

SUBCHAPTER U—OCEANOGRAPHIC RESEARCH VESSELS

PART 188—GENERAL PROVISIONS

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SOURCE: CGFR 67-83, 33 FR 1113, Jan. 27, 1968, unless otherwise noted.

Subpart 188.01—Authority and Purpose

§ 188.01-1 Purpose of regulations.

The purpose of the regulations in this subchapter is to set forth uniform minimum requirements for oceanographic research vessels designated in accordance with § 3.10-1 of this title and subject to Coast Guard inspection requirements. The regulations are necessary

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to carry out the provisions of applicable laws governing inspection and certification of oceanographic research vessels and have the force of law.

[CGD 95-028, 62 FR 51219, Sept. 30, 1997]

§ 188.01-3 Scope of regulations.

The regulations in this subchapter contain requirements for materials, design, construction, equipment, life-saving appliances and procedures, fire protection, and fire prevention procedures, inspection and certification, and special operational requirements for oceanographic research vessels, including the handling, use, and control of explosives and other dangerous articles or substances.

[CGFR 67-83, 33 FR 1113, Jan. 27, 1968, as amended by CGD 77-081, 46 FR 56204, Nov. 16, 1981; CGD 95-028, 62 FR 51219, Sept. 30, 1997]

§ 188.01-7 Right of appeal.

Any person directly affected by a decision or action taken under this subchapter, by or on behalf of the Coast Guard, may appeal therefrom in accordance with subchapter 1.03 of this chapter.

[CGD 88-033, 54 FR 50382, Dec. 6, 1989]

§ 188.01-15 OMB control numbers assigned pursuant to the Paperwork Reduction Act.

(a) *Purpose.* This section collects and displays the control numbers assigned to information collection and record-keeping requirements in this subchapter by the Office of Management and Budget (OMB) pursuant to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*). The Coast Guard in-

tends that this section comply with the requirements of 44 U.S.C. 3507(f), which requires that agencies display a current control number assigned by the Director of the OMB for each approved agency information collection requirement.

(b) *Display.*

46 CFR part or section where identified or described	Current OMB control No.
§ 189.40-3	1625-0032
§ 189.40-5	1625-0032
§ 196.15-7	1625-0064
§ 196.15-18	1625-0064

[CGD 88-072, 53 FR 34298, Sept. 6, 1988, as amended by CGD 89-037, 57 FR 41828, Sept. 11, 1992; USCG-2004-18884, 69 FR 58351, Sept. 30, 2004]

Subpart 188.05—Application

§ 188.05-1 Vessels subject to requirements of this subchapter.

(a) This subchapter is applicable to all U.S.-flag vessels indicated in Column 6 of Table 188.05-1(a) to the extent prescribed by applicable laws and the regulations in this subchapter, except as follows:

- (1) Any foreign vessel.
- (2) Any vessel operating exclusively on inland waters which are not navigable waters of the United States.
- (3) Any vessel while laid up and dismantled and out of commission.
- (4) With the exception of vessels of the U.S. Maritime Administration, any vessel with title vested in the United States and which is used for public purposes.

Table 188.05-1(a)

Method of propulsion, qualified by size or other limitation.	Vessels inspected and certificated under--			Vessels subject to the provisions of--		
	Subchapter D--Tank Vessels. ²	Subchapter H--Passenger Vessels ^{2, 3, 4} and 5 or Subchapter K or T--Small Passenger Vessels. ^{2, 3, 4}	Subchapter I--Cargo and Miscellaneous Vessels. ² and 5	Subchapter C--Uninspected Vessels. ^{2, 3, 6, 7, and 8}	Subchapter U--Oceanographic Vessels. ^{2, 3, 6, 7, and 9}	Subchapter O--Certain Bulk and Dangerous Cargoes. ¹⁰
Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
(1) Motor, all vessels except seagoing motor vessels ≥ 300 gross tons.	All vessels carrying combustible or flammable liquid cargo in bulk. ³	<p>i) All vessels carrying more than 12 passengers on an international voyage, except recreational vessels not engaged in trade.⁷</p> <p>ii) All vessels < 100 gross tons that--</p> <p>A) Carry more than 6 passengers-for-hire whether chartered or not, or</p> <p>B) Carry more than 6 passengers when chartered with the crew provided, or</p> <p>C) Carry more than 12 passengers when chartered with no crew provided, or</p> <p>D) Carry at least 1 passenger-for-hire and is a submersible vessel.⁷</p> <p>iii) All vessels ≥ 100 gross tons that--</p> <p>A) Carry more than 12 passengers-for-hire whether chartered or not, or</p> <p>B) Carry more than 12 passengers when chartered with the crew provided, or</p> <p>C) Carry more than 12 passengers when chartered with no crew provided, or</p> <p>D) Carry at least 1 passenger-for-hire and is a submersible vessel.⁷</p> <p>iv) These regulations do not apply to--</p> <p>A) Recreational vessels not engaged in trade.</p> <p>B) Documented cargo or tank vessels issued a permit to carry 16 or fewer persons in addition to the crew.</p> <p>C) Fishing vessels, not engaged in ocean or coastwise service, may carry persons on the legitimate business of the vessel¹¹ in addition to the crew, as restricted by the definition of passenger.¹¹</p>	All vessels > 15 gross tons carrying freight-for-hire, except those covered by columns 2 and 3, and all vessels when carrying dangerous cargoes when required by 46 CFR part 98.	All vessels not covered by columns 2, 3, 4, and 6.	None.	All vessels carrying cargoes in bulk that are listed in part 153, table 1, or part 154, table 4, or unlisted cargoes that would otherwise be subject to these parts. ¹²

Table 188.05-1(a) (continued)

Method of propulsion, qualified by size or other limitation. ¹	Vessels inspected and certificated under--			Vessels subject to the provisions of--		
	Subchapter D--Tank Vessels. ²	Subchapter H--Passenger Vessels ^{2,3,4} and 5 or Subchapter K or T--Small Passenger Vessels. ^{2,3,4}	Subchapter I--Cargo and Miscellaneous Vessels. ² and 5	Subchapter C--Uninspected Vessels. ^{2,3,5,7} and 8	Subchapter U--Oceanographic Vessels. ^{2,3,6,7} and 9	Subchapter O--Certain Bulk and Dangerous Cargoes. ¹⁰
	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
(2) Motor, seagoing motor vessels ≥ 300 gross tons.	All vessels carrying combustible or flammable liquid cargo in bulk. ³	i) All vessels carrying more than 12 passengers on an international voyage, except recreational vessels not engaged in trade. ii) These regulations do not apply to-- A) Recreational vessels not engaged in trade. B) Documented cargo or tank vessels issued a permit to carry 16 or fewer persons in addition to the crew. C) Fishing vessels, not engaged in ocean or coastwise service, may carry persons on the legitimate business of the vessel ¹ in addition to the crew, as restricted by the definition of passenger. ⁷	All vessels, including recreational vessels not engaged in trade. This does not include vessels covered by columns 2 and 3, and vessels engaged in the fishing industry.	All vessels not covered by columns 2, 3, 4, 6, and 7.	All vessels engaged in oceanographic research.	All vessels carrying cargoes in bulk that are listed in part 153, table 1, or part 154, table 4, or unlisted cargoes that would otherwise be subject to these parts.
(3) Non-self-propelled, vessels < 100 gross tons.	All vessels carrying combustible or flammable liquid cargo in bulk. ³	i) All vessels that-- A) Carry more than 6 passengers-for-hire whether chartered or not, or B) Carry more than 6 passengers when chartered with the crew provided, or C) Carry more than 12 passengers when chartered with no crew provided, or D) Carry at least 1 passenger-for-hire and is a submersible vessel. ⁷ E) Carry more than 12 passengers on an international voyage. ii) All vessels that-- A) Carry more than 12 passengers-for-hire whether chartered or not, or B) Carry more than 12 passengers when chartered with the crew provided, or C) Carry more than 12 passengers when chartered with no crew provided, or D) Carry at least 1 passenger-for-hire and is a submersible vessel, or E) Carry more than 12 passengers on an international voyage.	All seagoing barges except those covered by columns 2 and 3.	All barges carrying passengers or passengers-for-hire, except those covered by column 3.	None.	All tank barges carrying cargoes listed in Table 151.05 of this chapter or unlisted cargoes that would otherwise be subject to part 151. ^{1,11} and 12
(4) Non-self-propelled, vessels ≥ 100 gross tons.	All vessels carrying combustible or flammable liquid cargo in bulk. ³		All seagoing barges except those covered by columns 2 and 3.	All barges carrying passengers or passengers-for-hire, except those covered by columns 3 and 6.	All seagoing barges engaged in oceanographic research.	All tank barges carrying cargoes listed in Table 151.05 of this chapter or unlisted cargoes that would otherwise be subject to part 151. ^{1,11} and 12

Table 188.05-1(a) (continued)

Method of propulsion, qualified by size or other limitation. ¹	Vessels inspected and certificated under--		Vessels subject to the provisions of--			
	Subchapter D--Tank Vessels. ²	Subchapter H--Passenger Vessels ^{2, 3, 4} and Subchapter K or T--Small Passenger Vessels. ^{3, 4, 5}	Subchapter I--Cargo and Miscellaneous Vessels. ^{2 and 5}	Subchapter C--Uninspected Vessels. ^{2, 3, 6, 7, and 8}	Subchapter U--Oceanographic Vessels. ^{4, 3, 6, 7, and 9}	Subchapter O--Certain Bulk and Dangerous Cargoes. ¹⁰
Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
(5) Sail, ¹³ vessels ≤ 700 gross tons.	All vessels carrying combustible or flammable liquid cargo in bulk. ⁵	i) All vessels carrying more than 12 passengers on an international voyage, except recreational vessels not engaged in trade. ⁷ ii) All vessels < 100 gross tons that-- A) Carry more than 6 passengers-for-hire whether chartered or not, or B) Carry more than 6 passengers when chartered with the crew provided, or C) Carry more than 12 passengers when chartered with no crew provided, or D) Carry at least 1 passenger-for-hire and is a submersible vessel. iii) All vessels ≥ 100 gross tons that-- A) Carry more than 12 passengers-for-hire whether chartered or not, or B) Carry more than 12 passengers when chartered with the crew provided, or C) Carry more than 12 passengers when chartered with no crew provided, or D) Carry at least 1 passenger-for-hire and is a submersible vessel. ⁷ iv) These regulations do not apply to-- A) Recreational vessels not engaged in trade. B) Documented cargo or tank vessels issued a permit to carry 16 or fewer persons in addition to the crew. C) Fishing vessels, not engaged in ocean or coastwise service, may carry persons on the legitimate business of the vessel in addition to the crew, as restricted by the definition of passenger. j) All vessels carrying passengers or passengers-for-hire, except recreational vessels. ⁷	Those vessels carrying dangerous cargoes when required by 46 CFR part 98.	All vessels not covered by columns 2, 3, 4, and 6.	None.	All vessels carrying cargoes in bulk that are listed in part 153, table 1, or part 154, table 4, or unlisted cargoes that would otherwise be subject to these parts. ¹²
(6) Sail, ¹³ vessels >700 gross tons.	All vessels carrying combustible or flammable liquid cargo in bulk. ⁵		Those vessels carrying dangerous cargoes when required by 46 CFR part 98.	None.	None.	All vessels carrying cargoes in bulk that are listed in part 153, table 1, or part 154, table 4, or unlisted cargoes that would otherwise be subject to these parts. ¹²

Table 188.05-1(a) (continued)

Method of propulsion, qualified by size or other limitation. ¹	Vessels inspected and certificated under--			Vessels subject to the provisions of--		
	Subchapter D--Tank Vessels. ²	Subchapter H--Passenger Vessels ^{2, 3, 4, and 5} or Subchapter K or T--Small Passenger Vessels. ^{2, 3, and 4}	Subchapter I--Cargo and Miscellaneous Vessels. ^{2 and 5}	Subchapter C--Uninspected Vessels. ^{2, 3, 6, 7, and 8}	Subchapter U--Oceanographic Vessels. ^{2, 3, 6, 7, and 9}	Subchapter O--Certain Bulk and Dangerous Cargoes. ¹⁰
Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
(7) Steam, vessels ≤ 19.8 meters (65 feet) in length.	All vessels carrying combustible or flammable liquid cargo in bulk. ⁵	<p>i) All vessels carrying more than 12 passengers on an international voyage, except recreational vessels not engaged in trade.⁷</p> <p>ii) All vessels < 100 gross tons that--</p> <p>A) Carry more than 6 passengers-for-hire whether chartered or not, or</p> <p>B) Carry more than 6 passengers when chartered with the crew provided, or</p> <p>C) Carry more than 12 passengers when chartered with no crew provided, or</p> <p>D) Carry at least 1 passenger-for-hire and is a submersible vessel.⁷</p> <p>iii) All vessels ≥ 100 gross tons that--</p> <p>A) Carry more than 12 passengers-for-hire whether chartered or not, or</p> <p>B) Carry more than 12 passengers when chartered with the crew provided, or</p> <p>C) Carry more than 12 passengers when chartered with no crew provided, or</p> <p>D) Carry at least 1 passenger-for-hire and is a submersible vessel.⁷</p> <p>iv) These regulations do not apply to--</p> <p>A) Recreational vessels not engaged in trade.</p> <p>B) Documented cargo or tank vessels issued a permit to carry 16 or fewer persons in addition to the crew.</p> <p>C) Fishing vessels, not engaged in ocean or coastwise service, may carry persons on the legitimate business of the vessel⁷ in addition to the crew, as restricted by the definition of passenger.⁷</p>	All tugboats and lowboats. All vessels carrying dangerous cargoes when required by 46 CFR Part 98.	All vessels not covered by columns 2, 3, 4, and 6.	None.	All vessels carrying cargoes in bulk that are listed in part 153, table 1, or part 154, table 4, or unlisted cargoes that would otherwise be subject to these parts. ¹²

Table 188.05-1(a) (continued)

Method of propulsion, qualified by size or other limitation. ¹	Vessels inspected and certificated under--			Vessels subject to the provisions of--		
	Subchapter D--Tank Vessels. ²	Subchapter H--Passenger Vessels ^{2,3,4,5} or Subchapter K or T--Small Passenger Vessels. ^{2,3,4}	Subchapter I--Cargo and Miscellaneous Vessels. ²	Subchapter C--Uninspected Vessels. ^{2,3,6,7,8,9}	Subchapter U--Oceanographic Vessels. ^{2,3,6,7,8,9}	Subchapter O--Certain Bulk and Dangerous Cargoes. ¹⁰
Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
(8) Steam, vessels > 19.8 meters (65 feet) in length.	All vessels carrying combustible or flammable liquid cargo in bulk. ⁵	<p>i) All vessels carrying more than 12 passengers on an international voyage, except recreational vessels not engaged in trade.⁷</p> <p>ii) All vessels < 100 gross tons that--</p> <p>A) Carry more than 6 passengers-for-hire whether chartered or not, or</p> <p>B) Carry more than 6 passengers when chartered with the crew provided, or</p> <p>C) Carry more than 12 passengers when chartered with no crew provided, or</p> <p>D) Carry at least 1 passenger-for-hire and is a submersible vessel.⁷</p> <p>iii) All vessels ≥ 100 gross tons that--</p> <p>A) Carry more than 12 passengers-for-hire whether chartered or not, or</p> <p>B) Carry more than 12 passengers when chartered with the crew provided, or</p> <p>C) Carry more than 12 passengers when chartered with no crew provided, or</p> <p>D) Carry at least 1 passenger-for-hire and is a submersible vessel.⁷</p> <p>iv) These regulations do not apply to--</p> <p>A) Recreational vessels not engaged in trade.</p> <p>B) Documented cargo or tank vessels issued a permit to carry 16 or fewer persons in addition to the crew.</p> <p>C) Fishing vessels, not engaged in ocean or coastwise service, may carry persons on the legitimate business of the vessel in addition to the crew, as restricted by the definition of passenger.⁷</p>	All vessels not covered by columns 2, 3, 6, and 7.	None.	All vessels engaged in oceanographic research.	All vessels carrying cargoes in bulk that are listed in part 153, table 1, or part 154, table 4, or unlisted cargoes that would otherwise be subject to these parts. ¹²

Key to symbols used in this table: \leq is less than or equal to, $>$ is greater than, $<$ is less than, and \geq is greater than or equal to.

Footnotes:

- 1 Where length is used in this table, it means the length measured from end to end over the deck, excluding sheer. This expression means a straight line measurement of the overall length from the foremost part of the vessel to the aftermost part of the vessel, measured parallel to the centerline.
- 2 Subchapters E (Load Lines), F (Marine Engineering), J (Electrical Engineering), N (Dangerous Cargoes), S (Subdivision and Stability), and W (Lifesaving Appliances and Arrangements) of this chapter may also be applicable under certain conditions. The provisions of 49 CFR parts 171-179 apply whenever packaged hazardous materials are on board vessels (including motorboats), except when specifically exempted by law.
- 3 Public nautical schools, other than vessels of the Navy and Coast Guard, must meet the requirements of part 167 of subchapter R (Nautical Schools) of this chapter, Civilian nautical schools, as defined by 46 U.S.C. 1331, must meet the requirements of subchapter H (Passenger Vessels) and part 168 of subchapter R (Nautical Schools) of this chapter.
- 4 Subchapter H (Passenger Vessels) of this chapter covers only those vessels of 100 gross tons or more; subchapter T (Small Passenger Vessels) of this chapter covers only those vessels of less than 100 gross tons; and subchapter K (Small Passenger Vessels) of this chapter covers only those vessels less than 100 gross tons carrying more than 150 passengers or overnight accommodations for more than 49 passengers.
- 5 Vessels covered by subchapter H (Passenger Vessels) or I (Cargo and Miscellaneous Vessels) of this chapter, where the principal purpose or use of the vessel is not for the carriage of liquid cargo, may be granted a permit to carry a limited amount of flammable or combustible liquid cargo in bulk. The portion of the vessel used for the carriage of the flammable or combustible liquid cargo must meet the requirements of subchapter D (Tank Vessels) in addition to the requirements of subchapter H (Passenger Vessels) or I (Cargo and Miscellaneous Vessels) of this chapter.
- 6 Any vessel on an international voyage is subject to the requirements of the International Convention for Safety of Life at Sea, 1974 (SOLAS).
- 7 The terms "passenger(s)" and "passenger(s)-for-hire" are as defined in 46 U.S.C. 2101(21)(21a). On oceanographic vessels, scientific personnel onboard shall not be deemed to be passengers nor seamen, but for calculations of lifesaving equipment, etc., must be counted as persons.
- 8 Boilers and machinery are subject to examination on vessels over 40 feet in length.
- 9 Under 46 U.S.C. 441 and oceanographic research vessel " . . . being employed exclusively in instruction in oceanography or limnology, or both, or exclusively in oceanographic research, " . . . " Under 46 U.S.C. 443, "an oceanographic research vessel shall not be deemed to be engaged in trade or commerce." If or when an oceanographic vessel engages in trade or commerce, such vessel cannot operate under its certificate of inspection as an oceanographic vessel, but shall be inspected and certificated for the service in which engaged, and the scientific personnel aboard then become persons employed in the business of the vessel.
- 10 Bulk dangerous cargoes are cargoes specified in table 151.01-10(b); in table 1 of part 153, and in table 4 of part 154 of this chapter.
- 11 For manned tankbarges, see § 151.01-10(c) of this chapter.
- 12 See § 151.01-15, 153.900(d), or 154.30 of this chapter as appropriate.
- 13 Sail vessel means a vessel with no auxiliary machinery on board. If the vessel has auxiliary machinery, refer to motor vessels.

[CGFR 67-83, 33 FR 1113, Jan. 27, 1968, as amended at 42 FR 49027, Sept. 26, 1977; 43 FR 968, Jan. 5, 1978; CGD 77-081, 46 FR 56204, Nov. 16, 1981; CGD 86-033, 53 FR 36026, Sept. 16, 1988; CGD 86-033, 53 FR 46871, Nov. 21, 1988; CGD 90-008, 55 FR 30664, July 26, 1990; USCG-1999-5040, 67 FR 34800, May 15, 2002]

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§ 188.05-2 Exemptions from inspection laws for oceanographic research vessels and terms and conditions which apply in lieu thereof.

(a) The oceanographic research vessel shall comply with 49 CFR parts 171-179 whenever applicable, except to the extent as specifically provided otherwise in this subchapter.

(b) In order not to inhibit the mission of vessels subject to this subchapter, the Coast Guard will not require plan approval of design nor inspection of scientific equipment except to the extent specifically provided otherwise in this subchapter. However, it is the responsibility of the owner to have incorporated into the design and to maintain such equipment to applicable safety standards.

[CGFR 67-83, 33 FR 1113, Jan. 27, 1968, as amended by CGD 77-081, 46 FR 56204, Nov. 16, 1981; CGD 86-033, 53 FR 36026, Sept. 16, 1988; CGD 95-028, 62 FR 51219, Sept. 30, 1997]

§ 188.05-3 New vessels and existing vessels for the purpose of application of regulations in this subchapter.

(a) *New vessels.* In this application of the regulations in this subchapter, a new vessel is meant to be one, the construction of which is contracted for on or after March 1, 1968, or the major alteration of a vessel is contracted for on or after March 1, 1968, or the conversion of any vessel not previously inspected and certificated by the Coast Guard which is contracted for on or after March 1, 1968.

(b) *Existing vessels.* In the application of the regulations in this subchapter an existing vessel is meant to be one which is holding a valid certificate of inspection as an oceanographic research vessel on March 1, 1968.

(c) *Other vessels.* When it is desired to have a vessel, which has been used in trade or for recreational purposes, initially inspected and certificated as an oceanographic research vessel on or after March 1, 1968, such vessel shall be subject to all the requirements governing a vessel contracted for on or after March 1, 1968. However, if such vessel has a current certificate of inspection as a passenger, tank, cargo, or miscellaneous vessel, the Commandant may authorize its inspection and cer-

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tification under this subchapter as a vessel contracted for prior to March 1, 1968, subject to those requirements necessitated by change in service.

[CGFR 67-83, 33 FR 1113, Jan. 27, 1968, as amended by CGD 77-081, 46 FR 56204, Nov. 16, 1981]

§ 188.05-5 Specific application noted in text.

(a) At the beginning of the various parts, subparts, and sections, a more specific application is generally given for the particular portion of the text involved. This application sets forth the types, sizes, or services or vessels to which the text pertains, and in many cases limits the application of the text to vessels contracted for before or after a specific date. As used in this subchapter, the term "vessels contracted for" includes not only the contracting for the construction of a vessel, but also the contracting for a material alteration to a vessel, the contracting for the conversion of a vessel to an oceanographic research vessel, and the changing of area of operation of a vessel if such change increases or modifies the general requirements for the vessel or increases the hazards to which it might be subjected.

[CGFR 67-83, 33 FR 1113, Jan. 27, 1968, as amended by CGD 77-081, 46 FR 56204, Nov. 16, 1981]

§ 188.05-7 Ocean or unlimited coastwise vessels on inland and Great Lakes routes.

(a) Vessels inspected and certificated for ocean or unlimited coastwise routes shall be considered suitable for navigation insofar as the provisions of this subchapter are concerned on any inland routes, including the Great Lakes.

§ 188.05-10 Application to vessels on an international voyage.

(a) Except as provided in paragraphs (b), (c), and (d) of this section, the regulations in this subchapter that apply to a vessel on an "international voyage" apply to a vessel that—

(1) Is mechanically propelled and of at least 500 gross tons; and

(2) Is engaged on a voyage—

(i) From a country to which the International Convention for Safety of Life at Sea, 1974, (SOLAS 74) applies, to

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a port outside that country or the reverse;

(ii) From any territory, including the Commonwealth of Puerto Rico, all possessions of the United States, and all lands held by the United States under a protectorate or mandate, whose international relations are the responsibility of a contracting SOLAS 74 government, or which is administered by the United Nations, to a port outside that territory or the reverse; or

(iii) Between the contiguous states of the United States and the states of Hawaii or Alaska or between the states of Hawaii and Alaska.

(b) The regulations that apply to a vessel on an "international voyage" in this subchapter do not apply to a vessel that—

(1) Solely navigates the Great Lakes and the St. Lawrence River as far east as a straight line drawn from Cap des Rosiers to West Point, Anticosti Island and, on the north side of Anticosti Island, the 63rd Meridian; or

(2) Is numbered in accordance with 46 U.S.C. Chapter 123.

(c) The Commandant or his authorized representative may exempt any vessel on an international voyage from the requirements of this subchapter if the vessel—

(1) Makes a single international voyage in exceptional circumstances; and

(2) Meets safety requirements prescribed for the voyage by the Commandant.

(d) The Commandant or his authorized representative may exempt any vessel from the construction requirements of this subchapter if the vessel does not proceed more than 20 nautical miles from the nearest land in the course of its voyage.

[CGD 72-131R, 38 FR 29320, Oct. 24, 1973, as amended by CGD 80-123, 45 FR 64586, Sept. 30, 1980; CGD 90-008, 55 FR 30664, July 26, 1990; CGD 84-069, 61 FR 25312, May 20, 1996; CGD 95-028, 62 FR 51219, Sept. 30, 1997]

§ 188.05-33 Scientific personnel—interpretive rulings.

(a) Scientific personnel on oceanographic research vessels are not considered to be seamen or passengers, but are considered as "persons" when requirements are based on total persons on board.

(b) Scientific personnel on such vessels shall not be required to possess seamen's documents nor shall they be required to sign shipping articles.

[CGFR 67-83, 33 FR 1113, Jan. 27, 1968, as amended by CGD 77-081, 46 FR 56204, Nov. 16, 1981]

§ 188.05-35 Load lines—interpretive ruling.

(a) Certificated vessels shall be subject to the applicable provisions of the Load Line Acts, and regulations in Subchapter E (Load Lines) of this chapter.

Subpart 188.10—Definition of Terms Used in This Subchapter

§ 188.10-1 Anniversary date.

The term *anniversary date* means the day and the month of each year, which corresponds to the date of expiration of the Certificate of Inspection.

[USCG-1999-4976, 65 FR 6509, Feb. 9, 2000]

§ 188.10-2 Approved.

This term means approved by the Commandant unless otherwise stated.

[CGFR 67-83, 33 FR 1113, Jan. 27, 1968. Redesignated by USCG-1999-4976, 65 FR 6509, Feb. 9, 2000]

§ 188.10-3 Approved container.

This term means a container which is properly labeled, marked and approved by DOT for the commodity which it contains.

[CGFR 67-83, 33 FR 1113, Jan. 27, 1968, as amended by CGD 86-033, 53 FR 36026, Sept. 16, 1988]

§ 188.10-5 Barge.

This term means any non-self-propelled vessel.

§ 188.10-6 Captain of the Port.

This term means an officer of the Coast Guard designated as such by the Commandant and who, under the superintendence and direction of the Coast Guard District Commander, gives immediate direction to Coast Guard law enforcement activities within his assigned area. In addition, the

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District Commander shall be the Captain of the Port with respect to remaining areas in his district not assigned to officers designated by the Commandant as Captain of the Port.

§ 188.10-7 Chemical stores.

This term means those chemicals intended for use in the performance of the vessel's scientific activities and is further defined in § 194.05-3.

§ 188.10-9 Chemical storeroom.

This term refers to any compartment specifically constructed or modified for the stowage of chemical stores and so designated and identified.

§ 188.10-11 Chemistry laboratory.

This term includes any space in which experiments are conducted or chemicals are used for scientific purposes in conjunction with the research mission of the vessel, and is so identified.

§ 188.10-13 Coast Guard District Commander.

This term means an officer of the Coast Guard designated as such by the Commandant to command all Coast Guard activities within the officer's district, which include the inspections, enforcement, and administration of Subtitle II of Title 46, U.S. Code, Title 46 and Title 33 U.S. Code, and regulations issued under these statutes.

[CGD 95-028, 62 FR 51219, Sept. 30, 1997]

§ 188.10-15 Coastwise.

Under this designation shall be included all vessels normally navigating the waters of any ocean or the Gulf of Mexico 20 nautical miles or less offshore.

§ 188.10-17 Combustible liquid.

This term includes any liquid whose flashpoint, as determined by an open cup tester, is above 80° F.

§ 188.10-19 Commandant.

This term means the Commandant of the Coast Guard.

§ 188.10-21 Compressed gas.

This term includes any material or mixture having in the container an ab-

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solute pressure exceeding 40 p.s.i. at 70° F.; or regardless of the pressure at 70° F., having an absolute pressure exceeding 104 p.s.i. at 130° F.; or any liquid flammable material having a vapor pressure exceeding 40 p.s.i. absolute at 100° F. as determined by the Reid method covered by the American Society for Testing Materials Method of Test for Vapor Pressure of Petroleum Products (D-323). Compressed gases are discussed in more detail in 49 CFR parts 171-179.

[CGFR 67-83, 33 FR 1113, Jan. 27, 1968, as amended by CGD 86-033, 53 FR 36026, Sept. 16, 1988]

§ 188.10-23 Corrosive liquids.

(a) This term includes those acids, alkaline caustic liquids, and other corrosive liquids which, when in contact with living tissues, will cause severe damage of such tissues, by chemical action; or in case of leakage, will materially damage or destroy other freight by chemical action, or are liable to cause fire when in contact with organic matter or with certain chemicals.

(b) A corrosive substance may be:

- (1) Solid, such as iodine; or,
- (2) Liquid, such as acids, or caustic soda solution; or,
- (3) Gaseous, such as chlorine or sulfur dioxide.

§ 188.10-25 Explosive.

This term means a chemical compound or mixture, the primary purpose of which is to function by explosion; *i.e.*, with substantially instantaneous release of gas and heat. Explosives are discussed in more detail in 49 CFR parts 171-179.

[CGFR 67-83, 33 FR 1113, Jan. 27, 1968, as amended by CGD 86-033, 53 FR 36026, Sept. 16, 1988]

§ 188.10-27 Flammable liquid.

This term includes any liquid whose flashpoint, as determined by an open cup tester, is 80° F. or below.

§ 188.10-31 Great Lakes.

Under this designation shall be included all vessels navigating the Great Lakes.

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§ 188.10-33 Headquarters.

This term means the Office of the Commandant, U.S. Coast Guard, Washington, DC 20593-0001.

[CGFR 67-83, 33 FR 1113, Jan. 27, 1968, as amended by CGD 88-070, 53 FR 34538, Sept. 7, 1988]

§ 188.10-35 International voyage.

(a) This section describes those voyages which are considered to be "international voyages" for the purposes of this subchapter.

(b) Except as provided in paragraph (c) of this section, the term "international voyage" as used in this subchapter shall have the same meaning as that contained in Regulation 2(d), Chapter I of the International Convention for Safety of Life at Sea, 1974, *i.e.*, *International voyage* means a voyage from a country to which the present convention applies to a port outside such country, or conversely."

(c) The International Convention for Safety of Life at Sea, 1974, does not apply to vessels "solely navigating the Great Lakes of North America and the River St. Lawrence as far east as a straight line drawn from Cap de Rosiers to West Point, Anticosti Island and, on the north side of Anticosti Island, the 63d Meridian." Accordingly, such vessels shall not be considered as being on an "international voyage" for the purpose of this subchapter.

(d) In addition, although voyages between the continental United States and Hawaii or Alaska, and voyages between Hawaii and Alaska are not "international voyages" under the provisions of the International Convention for Safety of Life at Sea, 1974, such voyages are similar in nature and shall be considered as "international voyages" for the purposes of this subchapter.

[CGFR 67-83, 33 FR 1113, Jan. 27, 1968, as amended by CGD 80-123, 45 FR 64586, Sept. 30, 1980; CDG 90-008, 55 FR 30664, July 26, 1990]

§ 188.10-37 Label.

This term means the label required by 49 CFR part 172 to be affixed to containers of explosives or other hazardous materials.

[CGD 86-033, 53 FR 36026, Sept. 16, 1988]

§ 188.10-39 Lakes, bays, and sounds.

Under this designation shall be included all vessels navigating the waters of any of the lakes, bays, or sounds, other than the waters of the Great Lakes.

§ 188.10-41 Liquefied compressed gas.

This term means a gas which, under the charged pressure, is partially liquid at a temperature of 70° F.

§ 188.10-43 Liquefied flammable gas.

This term means any flammable gas having a Reid vapor pressure exceeding 40 p.s.i. which has been liquefied.

§ 188.10-45 Marine inspector or inspector.

These terms mean any person from the civilian or military branch of the Coast Guard assigned under the superintendence and direction of an Officer in Charge, Marine Inspection, or any other person as may be designated for the performance of duties with respect to the inspections, enforcement, and administration of Subtitle II of Title 46, U.S. Code, Title 46 and Title 33 U.S. Code, and regulations issued under these statutes.

[CGD 95-028, 62 FR 51219, Sept. 30, 1997]

§ 188.10-49 Numbered vessel.

This term means a vessel which is numbered under the provisions of 46 U.S.C. Chapter 123.

[CGD 95-028, 62 FR 51219, Sept. 30, 1997]

§ 188.10-51 Ocean.

Under this designation shall be included all vessels navigating the waters of any ocean, or the Gulf of Mexico more than 20 nautical miles offshore.

§ 188.10-53 Oceanographic research vessel.

The term *oceanographic research vessel* means a vessel that the Secretary finds is being employed only in instruction in oceanography or limnology, or both, or only in oceanographic or limnological research, including those studies about the sea such as seismic, gravity meter, and magnetic exploration and other marine geophysical or

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geological surveys, atmospheric research, and biological research.

[CGD 84-069, 61 FR 25312, May 20, 1996]

§ 188.10-55 Officer in Charge, Marine Inspection.

This term means any person from the civilian or military branch of the Coast Guard designated as such by the Commandant and who, under the superintendence and direction of the Coast Guard District Commander, is in charge of an inspection zone for the performance of duties with respect to the inspections, enforcement, and administration of Subtitle II of Title 46, U.S. Code, Title 46 and Title 33 U.S. Code, and regulations issued under these statutes.

[CGD 95-028, 62 FR 51219, Sept. 30, 1997]

§ 188.10-56 Pilot boarding equipment and point of access.

(a) *Pilot boarding equipment* means a pilot ladder, accommodation ladder, pilot hoist, or combination of them as required by this subchapter.

(b) *Point of access* means the place on deck of a vessel where a person steps onto or off of pilot boarding equipment.

[CGD 79-032, 49 FR 25455, June 21, 1984]

§ 188.10-57 Portable tank.

This phrase means a container having a capacity greater than 110 gallons, which is independent of the vessel's structure.

§ 188.10-59 Recognized classification society.

This term means the American Bureau of Shipping or other classification society recognized by the Commandant.

§ 188.10-61 Rivers.

Under this designation shall be included all vessels whose navigation is restricted to rivers and/or canals exclusively, and to such other waters as may be so designated by the Coast Guard District Commander.

§ 188.10-65 Seagoing barge.

A seagoing barge is a nonself-propelled vessel of at least 100 gross tons

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making voyages beyond the Boundary Line (as defined in 46 CFR part 7).

[CGD 95-028, 62 FR 51219, Sept. 30, 1997]

§ 188.10-67 Scientific equipment.

This term means equipment installed or carried on board an oceanographic research vessel and not normally required for the operation of a vessel or its machinery or for the navigation of the vessel, and which is used primarily in the gathering of scientific data or samples or in processing, analyzing, preserving, or storing such data or samples.

[CGFR 67-83, 33 FR 1113, Jan. 27, 1968, as amended by CGD 77-081, 46 FR 56204, Nov. 16, 1981]

§ 188.10-69 Scientific laboratory.

This term means those spaces on board an oceanographic research vessel used primarily for scientific experimentation or research, and are so identified.

§ 188.10-71 Scientific personnel.

This term means those persons who are aboard an oceanographic research vessel solely for the purpose of engaging in scientific research, or in instructing, or receiving instruction, in oceanography or limnology, and shall not be considered seamen under the provisions of Title 46, United States Code.

[CGFR 67-83, 33 FR 1113, Jan. 27, 1968, as amended by CGD 77-081, 46 FR 56204, Nov. 16, 1981; CGD 97-057, 62 FR 51050, Sept. 30, 1997]

§ 188.10-73 Ships' stores and supplies.

This term means any article or substance which is used on board a vessel subject to the appropriate portions of part 147 of Subchapter N (Dangerous Cargoes) of this chapter for the upkeep and maintenance of the vessel; or for the safety or comfort of the vessel, its passengers or crew; or for the operation or navigation of the vessel (except fuel for its own machinery).

[CGFR 67-83, 33 FR 1113, Jan. 27, 1968, as amended by CGD 86-033, 53 FR 36026, Sept. 16, 1988]

§ 188.10-75 Undocumented vessel.

This term means any vessel which is not required to have, and does not

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have, a valid marine document issued by the U.S. Coast Guard.

§ 188.10-77 Vessel.

Where the word “vessel” is used in this subchapter, it shall be considered to include all inspected and certificated oceanographic research vessels as listed in Column 7 of Table 188.05-1(a).

[CGFR 67-83, 33 FR 1113, Jan. 27, 1968, as amended by CGD 77-081, 46 FR 56204, Nov. 16, 1981]

Subpart 188.15—Equivalents

§ 188.15-1 Conditions under which equivalents may be used.

(a) Where in this subchapter it is provided that a particular fitting, material, appliance, apparatus, or equipment, or type thereof, shall be fitted or carried in a vessel, or that any particular provision shall be made or arrangement shall be adopted, the Commandant may accept in substitution therefor any other fitting, material, apparatus, or equipment, or type thereof, or any other arrangement: *Provided*, That he shall have been satisfied by suitable trials that the fitting, material, appliance, apparatus, or equipment, or type thereof, or the provision or arrangement is at least as effective as that specified in this subchapter.

(b) In any case where it is shown to the satisfaction of the Commandant that the use of any particular equipment, apparatus, or arrangement not specifically required by law is unreasonable or impracticable, the Commandant may permit the use of alternate equipment, apparatus, or arrangement to such an extent and upon such conditions as will insure, to his satisfaction, a degree of safety consistent with the minimum standards set forth in this subchapter.

§ 188.15-5 Design of vessels.

(a) In order not to inhibit design and application the Commandant may accept vessels of unusual, unique, special, or exotic design, both new and for conversion, after it is shown to his satisfaction that such a vessel is at least as safe as any vessel which meets the standards required by this subchapter.

Subpart 188.20—General Marine Engineering Requirements

§ 188.20-1 Marine engineering details.

(a) The marine engineering details shall be in accordance with Subchapter F (Marine Engineering) of this chapter.

Subpart 188.25—General Electrical Engineering Requirements

§ 188.25-1 Electrical engineering details.

(a) The electrical engineering details shall be in accordance with subchapter J (Electrical Engineering) of this chapter.

Subpart 188.27—Lifesaving Appliances and Arrangements

§ 188.27-1 Lifesaving appliances and arrangements.

All lifesaving appliances and arrangements shall be in accordance with the requirements for special purpose vessels in subchapter W (Lifesaving Appliances and Arrangements) of this chapter.

[CGD 84-069, 61 FR 25312, May 20, 1996]

Subpart 188.35—American Bureau of Shipping's Standards

§ 188.35-1 Standards to be used.

(a) Where in this subchapter an item, or method of construction, or testing is required to meet the standards established by the American Bureau of Shipping, the current standards in effect at the time of construction of the vessel, or otherwise as applicable, shall be used.

(b) The current standards of other recognized classification societies may also be accepted upon approval by the Commandant.

§ 188.35-5 Where obtainable.

(a) The standards established by the American Bureau of Shipping are usually published annually and may be purchased from the American Bureau of Shipping, ABS Plaza, 16855 Northchase Drive, Houston, TX 77060.

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(b) These standards may also be examined at the Office of the Commandant (G-MOC), U.S. Coast Guard, Washington, DC 20593-0001, or at the Office of any Coast Guard District Commander or Officer in Charge, Marine Inspection.

[CGFR 67-83, 33 FR 1113, Jan. 27, 1968, as amended by CGD 88-070, 53 FR 34538, Sept. 7, 1988; 53 FR 37570, Sept. 27, 1988; 53 FR 44011, Nov. 1, 1988; CGD 95-072, 60 FR 50469, Sept. 29, 1995; CGD 96-041, 61 FR 50735, Sept. 27, 1996; USCG-2000-7790, 65 FR 58465, Sept. 29, 2000]

PART 189—INSPECTION AND CERTIFICATION

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